

Remarks

This is in response to the first Office Action mailed November 9, 2005, which rejected all pending claims 1-16 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,021,273 ("Griesemer '273") in view of U.S. Patent No. 5,210,876 ("Uchida '876"). This rejection is respectfully traversed.

The Applicant generally agrees with the Examiner that Griesemer '273 is deficient with regard to teaching or suggesting the claimed subject matter, but respectfully submits that Uchida '876 fails to make up for the deficiencies of Griesemer '273.

Independent claim 1 is an apparatus claim which generally recites: "execution of a selected virtual function by the virtual machine causes the processor to execute a corresponding native function, and wherein the corresponding native function is executed to evaluate concurrent execution of at least one other native function." This is not taught or suggested by either of the cited references, or any of the other art of record.

In support of the rejection of claim 1, the Examiner stated that Griesemer "does not explicitly teach that the execution of such a native function may itself indirectly invoke a corresponding logically concurrent execution of select different native function." (Office Action, page 2, lines 20-22, emphasis added).

It is not particularly clear why the phrase "indirectly invoking a corresponding logically concurrent execution of select different" has any relevance to the rejection, since this phrase does not appear in claim 1. Claim 1 recites that the corresponding native function "is executed to evaluate concurrent execution of" at least one other native function. See e.g., specification, page 1, lines 10-12; page 7, line 20 to page 8, line 17; page 19, lines 9-15.

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While the Applicant appreciates that the Examiner is entitled to give a claim term its broadest reasonable interpretation, the Examiner is still required to examine the subject matter that is actually presented in the claim.

Griesemer '273 generally teaches the expedient of increasing the internal efficiency, and hence processing speed, of an interpretive language (virtual machine) program such as Java. (See col. 1, line 66 to col. 2, line 4). Uchida '876 generally teaches improved ways to perform function calls between a compiler language such as C and an interpretive language such as LISP, and is specifically directed to enhancing the ability to establish a call from a native function to a virtual function. See col. 3, lines 7-10.

Thus, while both references generally deal with virtual machines, neither reference teaches or suggests: *"execution of a selected virtual function by the virtual machine causes the processor to execute a corresponding native function, and wherein the corresponding native function is executed to evaluate concurrent execution of at least one other native function,"* as generally claimed by claim 1. The Examiner has accordingly failed to account for all of the limitations of claim 1 in framing the rejection under §103. See MPEP 2142.

Moreover, there is nothing in these references or in the art in general that would motivate one having skill in the art to arrive at the claimed subject matter. The Examiner is reminded that such evidence for motivation to combine must be 'clear and particular.' *In re Dembiczak*, 50 USPQ 1614 (Fed. Cir. 1999).

Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, as well as for the claims depending therefrom.

As the cited references are similarly deficient with regard to the subject matter of independent claim 10, the Applicant further respectfully requests reconsideration and withdrawal of the rejection of claim 10, as well as for the claims depending therefrom.

Conclusion

This is intended to be a complete response to the first Office Action mailed November 9, 2005. The Applicant requests reconsideration and allowance of all of the pending claims. Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,

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